

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

BENSON PHILIP GATU NJUGUNA CASE NO. 6:20-CV-00560 SEC P

VERSUS

JUDGE MICHAEL J. JUNEAU

ERIC STAIGER, ET AL

MAGISTRATE JUDGE HANNA

MEMORANDUM ORDER

Before the Court is a petition for writ of habeas corpus (28 U.S.C. § 2241) filed by pro se Petitioner Benson Philip Gatu Njuguna. Petitioner is an immigration detainee in the custody of the Department of Homeland Security / U.S. Immigration and Customs Enforcement (“DHS/ICE”). He is detained at the Pine Prairie ICE Processing Center in Pine Prairie, Louisiana. Petitioner alleges that humanitarian parole is justified as he has serious medical conditions and faces an elevated risk of contracting COVID-19. [Rec. Doc. 1] Petitioner also filed a Request to Classify Petition as Urgent. [Rec. Doc. 4]

This matter has been referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. § 636 and the standing orders of the Court.

IT IS ORDERED that Petitioner’s Request to Classify Petition as Urgent [rec. doc. 4] is **GRANTED**.

In order to determine what action should be taken with respect to this petition, **THE CLERK IS DIRECTED** to serve a summons, a copy of the petition, and a copy of this Order, by certified mail, on the United States through the United States Attorney for the Western District of Louisiana, the United States Attorney General, U.S. Immigration and Customs Enforcement (DHS/ICE), the Director of ICE, and the warden of the Pine Prairie ICE Processing Center.

IT IS ORDERED that within **TEN (10) BUSINESS DAYS** following the date of service, Respondents shall file and serve an answer that (1) responds to the allegations and grounds in the petition and (2) includes all affirmative defenses respondents seek to invoke. Respondents shall also file a memorandum of law briefing the issues raised in the answer and citing applicable statutory and case law.

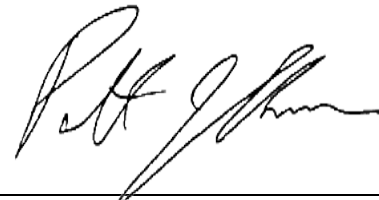
IT IS FURTHER ORDERED that Respondents shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses.

All documentary exhibits **MUST BE APPROPRIATELY BOUND AND THE PAGES MUST BE NUMBERED**. An index describing each item attached to the response and showing each item's page number shall also be attached.

FINALLY, IT IS ORDERED that, as a condition to their acceptance by the Clerk, all future filings by Petitioner and Respondents shall include a certificate stating that a copy thereof has been mailed to all other parties.

After the record is complete and all delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing. If no hearing is necessary, a Report and Recommendation will be issued without further notice.

THUS DONE in Chambers on this 7th day of May, 2020.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', is written above a horizontal line.

Patrick J. Hanna
United States Magistrate Judge